

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Darrin Higgins Bey v Detroit Police Chief**
Docket No. **291298**
L.C. No. **00-000000**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

Plaintiff's submission of a \$78.50 check for payment of an initial partial filing fee and related correspondence are treated as a motion for reconsideration of the order entered April 30, 2009 and the motion for reconsideration is GRANTED. The April 30, 2009 order is VACATED.

The motion to waive fees pursuant to MCR 7.202(4) and MCR 7.206(D)(1)(d) is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees.

The Clerk of this Court is directed to accept the \$78.50 check provided by plaintiff as an initial partial filing fee and to refile the pleadings provided by plaintiff. Plaintiff may not file another civil appeal or original action in this Court until such time that either the Department of Corrections remits or plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).

Further, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to plaintiff's account until the payments equal the balance due of **\$296.50**. This amount shall then be remitted to this Court. Again, plaintiff may not file either an original action or a civil appeal until plaintiff pays the entire outstanding balance due. 1999 PA 147, MCL 600.2963(8).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN - 4 2009

Date

Sandra Schultz Mengel
Chief Clerk